

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ACCEPTANCE INDEMNITY
INSURANCE COMPANY,

Plaintiff,

-against-

CLAIRE CONSTRUCTION
CORP., et al.,

Defendants.

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MEMORANDUM AND ORDER

Case No. 1:21-cv-03270-FB-MMH

BLOCK, Senior District Judge:

On November 30, 2021, Magistrate Judge Marcia M. Henry issued a Report and Recommendation (“R&R”) recommending that default judgments against Defendants Claire Construction Corp., Homeport LLC, HP Services Inc., Shallan Haddad, and Walter Orue be held in abeyance pending decisions on Defendants Claire Construction Corp. and Homeport LLC’s motions to vacate the Clerk’s entry of default. Magistrate Judge Henry’s R&R stated that failure to object within fourteen days of the date of the R&R waives the right to appeal. No objections were filed.

If clear notice has been given of the consequences of failing to object and there are no objections, the Court may adopt the R&R without de novo review. *See Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) (“Where parties receive clear

notice of the consequences, failure to timely object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.") (internal citations omitted). The Court will excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here.

Accordingly, the Court adopts the R&R without de novo review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
February 4, 2022